

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Galdes, et al.  
 Serial No: 09/325,602  
 Filing Date: 03 June 1999  
 For: *Methods and Compositions for Treating Disorders  
 Involving Excitotoxicity*

Atty. Docket No. BIV-069.02



ATTN: Box Missing Parts  
 Assistant Commissioner for Patents  
 U.S. Patent and Trademark Office  
 Washington, D.C. 20231

## Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Services as First Class mail under 37 CFR 1.8 in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

September 29, 1999  
 Date of Signature and Mail Deposit

By:   
 Ariel Collazo

## FEE TRANSMITTAL AND RESPONSE TO NOTICE TO FILE MISSING PARTS

Dear Sir:

Responsive to the Notice to File Missing Parts of Application dated June 29, 1999, Applicants' attorney submits herewith one executed Declaration, Petition and Power of Attorney for Biogen, Inc. and Ontogeny, Inc., respectively; and a check in the amount of \$2468.00 to cover the cost of the filing fee (\$760.00) and surcharge/large entity (\$130.00). Please note that the fees submitted are lower than the amounts billed to us in your Notice of June 29, 1999; applicants' attorney calculates the sum of \$130.00, \$760.00, \$954.00, \$624.00 as \$2468.00. **A copy of Form PTO-1533 is also enclosed.**

The filing fee has been calculated as shown below:

			SMALL ENTITY		OTHER THAN SMALL ENTITY	
	# FILED	# EXTRA	Rate	FEE	Rate	FEE
BASIC FEE			\$380		\$760	760
TOTAL CLAIMS	- 20 =	19*	x \$11		53 x \$18	954
INDEP. CLAIMS	- 3 =	1*	x \$41		8 x \$78	624
[ ] MULTIPLE DEPENDENT CLAIMS PRESENTED			\$135			130
			TOTAL:			2468

☒ Please charge any additional fees or credit any overpayments associated with this communication to our Deposit Account No. 06-1448. A duplicate copy of this sheet is enclosed.

Respectfully submitted,  
 FOLEY, HOAG & ELIOT LLP

Matthew P. Vincent, Ph.D.  
 Registration No. 36,709  
 Attorney for Applicants

Patent Group  
 FOLEY, HOAG & ELIOT LLP  
 One Post Office Square  
 Boston, MA 02109  
 (617) 832-1000

Date: September 29, 1999

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## UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/325,602    06/03/99    GALDES    A    BIV-069.02

PATENT GROUP  
FOLEY HOAG & ELIOT LLP  
ONE POST OFFICE SQUARE  
BOSTON MA 02109-2170

0292/0629

*Rep to MP/Seq LST*  
**DUE: 8-29-99**  
**FINAL: 1-29-00**

NOT ASSIGNED

1633

DATE MAILED:

06/29/99

### NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 2728.00.

☒ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ 954 for 53 total claims over 20.

\$ 624 for 8 independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

☒ is missing or unsigned,

☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

10/05/1999 HPRSASD 00000098 09325602  
02 FC:101  
03 FC:105  
04 FC:102  
05 FC:103

760.00 OP  
130.00 OP  
624.00 OP  
954.00 OP

JUL 02 1999

F.H. & E. LLP  
PATENT DEPT.

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/325,602 06/03/99 GALDES

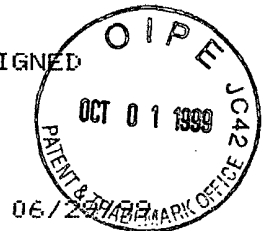
BIV-069.02

PATENT GROUP  
FOLEY HOAG & ELIOT LLP  
ONE POST OFFICE SQUARE  
BOSTON MA 02109-2170

0292/0629 *Resp to MP/009 LST*  
**DUE: 8-29-99**  
**FINAL: 1-29-00**

NOT ASSIGNED

1633  
DATE MAILED:



## NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. OTHER: \_\_\_\_\_

### APPLICANT MUST PROVIDE:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- ☐ An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

### FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:

- ☐ For Rules Interpretation, call (703) 308-1123.
- ☐ For CRF submission help, call (703) 308-4212.
- ☐ For PatentIn software help, call (703) 308-6856.

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